

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	ALEATHA JESSIE,	:	Chapter 13
		:	
	Debtor	:	Bky. No. 16-10131 ELF
		:	
		:	
	ALEATHA JESSIE,	:	
	Plaintiff	:	
		:	
	v.	:	
		:	
	PENNSYLVANIA HOUSING FINANCE AGENCY	:	
		:	
	U.S. BANK, N.A., as Trustee	:	
		:	
	Defendants	:	Adv. No. 17-290
		:	

ORDER

AND NOW, upon consideration of the Plaintiff's Motion for Default Judgment (Doc. # 11) ("the Plaintiff's Motion") and Defendants' Motion to Set Aside Default (Doc. # 15) ("the Defendants' Motion"), it is hereby **ORDERED** that:

1. Plaintiff's Motion is **DENIED**.¹

¹ Plaintiff filed the Plaintiff's Motion without first requesting that the Clerk enter a default pursuant to Fed. R. Bankr. P. 7055. In the absence of an entry of default, the Defendants' are not precluded from filing an Answer to the Complaint without first having the court set aside the default. By filing the Defendants' Motion, the Defendants have indicated their intent to file an Answer to the Complaint. Given the strong policy disfavoring default judgments and encouraging decisions on the merits, see, e.g., In re Bressman, 874 F.3d 142, 153 n.51 (3d Cir. 2017), I find it appropriate to deny the Plaintiff's Motion. See, e.g., Hritz v. Woma Corp., 732 F.2d 1178, 1180 (3d Cir. 1984); see also Enron, 10 F.3d 95 (2d Cir. 1996) (disposition of motions for default judgments are left to the sound discretion of the court).

2. Defendants' Motion is **DENIED**.²
3. **On or before April 21, 2018**, Defendants shall file an Answer to the Complaint (and are granted leave to do so).
4. If Defendants fail to file a timely Answer as required by Paragraph 3 above, Plaintiff shall proceed expeditiously under Fed. R. Bankr. P. 7055.



Date: April 17, 2018

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE

² The Defendants' Motion seeks to set aside either the entry of default or a default judgment, neither of which exists in this case. There is no basis for granting the Defendants any relief.